

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

THE POST CONFIRMATION TRUST	)	
FOR FLEMING COMPANIES, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:05-CV-299
	)	(GUYTON)
HILLTOP ENTERPRISES, INC.,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment. [Doc. 24]. This matter came before the Court on April 5, 2006 for a scheduling conference.

The plaintiff has filed an Application for Default Judgment [Doc. 20], asking the Court to enter a judgment by default against the defendant for failing to file a response to the plaintiff's amended complaint, which was served on the defendant on December 29, 2005. The defendant has since filed an answer to the amended complaint. [Doc. 22]. Accordingly, the plaintiff's Application for Default Judgment [Doc. 20] is now moot and is hereby **DENIED AS MOOT**.

**IT IS SO ORDERED.**

ENTER:

s/ H. Bruce Guyton  
United States Magistrate Judge